

SENATE BILL REPORT

SB 6669

As Reported By Senate Committee On:
Health & Long-Term Care, January 31, 2008

Title: An act relating to allowing clients receiving supported living services to have control over employment of independent supported living providers.

Brief Description: Permitting persons with developmental disabilities to make living decisions regarding independent supported living providers.

Sponsors: Senators Kline, Roach, Fairley, Benton, Rasmussen, Regala, McAuliffe and Kohl-Welles.

Brief History:

Committee Activity: Health & Long-Term Care: 1/30/08, 1/31/08 [DP-WM].

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Majority Report: Do pass and be referred to Committee on Ways & Means.

Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug, Ranking Minority Member; Carrell, Fairley, Kastama, Kohl-Welles, Marr and Parlette.

Staff: Rhoda Donkin (786-7465)

Background: Currently there are approximately 4,500 individuals with developmental disabilities living in community residential settings, including group homes and supported living. Individuals who live in supported living situations typically rent an apartment, often shared, and receive services through the Department of Social and Health Services (DSHS) Division of Developmental Disabilities. While these individuals or their guardians have independent rental arrangements, their services are contracted through DSHS who is responsible for all staffing arrangements.

There is some interest in allowing individuals in the supported living program and their families to have more control over recruiting, hiring, and firing the people who work for them.

Summary of Bill: Individuals who are in the supported living program are permitted to hire, fire, and direct the work of their independent living providers. These providers will be considered independent contractors and can collectively bargain with the state over wages and benefits.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

DSHS will provide services to 50 clients who choose to participate in the self-directed option of the supported living program. Of these 50 clients, 25 will be served under the CORE waiver, and 25 will be served under the Basic Plus waiver. DSHS is directed to apply for a waiver amendment to accommodate this arrangement.

DSHS is directed to establish an advisory council when developing this self-directed supported living program. Representatives on the council will include representatives of the Washington Developmental Disabilities Council, a representative of ARC, a client receiving services, and a representative of a labor or employee organization representing at least 25,000 home and community-based long-term care workers.

The self-directed option will be established by July 1, 2009.

Appropriation: None.

Fiscal Note: Requested on January 28, 2008

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: The system of support services for people with developmental disabilities should focus as much as possible on choice. This bill adds self-direction to the supported living program, which will be good for some people. This provides the opportunity for workers in this program to unionize and collectively bargain with the state.

OTHER: This requires a new waiver and the federal government has strict guidelines for waiver programs. This puts maximum control in the hands of the consumer and may be in conflict with infrastructure requirements that go along with waiver programs.

Persons Testifying: PRO: Sterling Harders, Service Employees International Union; Ed Holen, Developmental Disabilities Council; Sue Elliott, Association for the Rights of Citizens with Developmental Disabilities (ARC) of Washington.

OTHER: Linda Rolfe, Aging and Disabilities Services Administration, Division of Developmental Disabilities.